

REMARKS/ARGUMENTS

In the Office Action, the Examiner noted that claims 1-113 are pending in the application. The Examiner additionally stated that claims 1-113 are rejected. By this amendment, claim 13 has been amended. Hence, claims 1-113 are pending in the application.

Applicants hereby request further examination and reconsideration of the application, in view of the foregoing amendments.

In the Claims

Rejections Under 35 U.S.C. §112, second paragraph

The Examiner rejected claim 13 under 35 U.S.C. 112, second paragraph as being indefinite. Applicants have amended claim 13 to remedy the lack of antecedent basis.

Rejections Under 35 U.S.C. §103(a)

The Examiner rejected claims 1-113 under 35 U.S.C. 103(a) as being unpatentable over Baumert et al., U.S. Patent No. 6,067,300 (hereinafter *Baumert*) in view of Biran et al., U.S. Patent No. 6,658,521 (hereinafter *Biran*). Applicants respectfully traverse the Examiner's rejections.

The *Biran* reference was filed on 1/30/2001 and claims priority to EP Application No. 00811233 that was filed on 12/22/2000. However, Applicants have filed a declaration in the previous Amendment establishing that they conceived of the claimed invention before 10/20/2000 and that U.S. Patent Application 09/693,405 (filed 10/20/2000, issued as U.S. Patent 6,594,712) describes the claimed invention. The Examiner stated in the Office Action of 02/09/2007 that claims 1-113 are anticipated under 35 U.S.C. 102(e) by U.S. Patent 6,594,712, which issued from U.S. Patent Application 09/693,405. The declaration and U.S. Patent Application 09/693,405 are attached.

Applicants respectfully submit that the declaration and U.S. Patent Application 09/693,405 establish invention of the subject matter of the rejected claims by Applicants prior to the effective date of the *Biran* reference, and the rejection based on the *Biran* reference is inappropriate. See 37 CFR § 1.131; MPEP §§ 706.02(b); 715; 7.15.02, I.

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For these reasons, Applicants respectfully request that the Examiner withdraw the rejection to claims 1-113.

CONCLUSIONS

In view of the arguments advance above, Applicants respectfully submit that claims 1-113 are in condition for allowance. Reconsideration of the rejections is requested, and allowance of the claims is solicited.

Applicants earnestly request that the Examiner contact the undersigned practitioner by telephone if the Examiner has any questions or suggestions concerning this amendment, the application, or allowance of any claims thereof.

Respectfully submitted,

/E. Alan Davis/

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11/23/2007

Date: _____

Attachments:

- (1) Declaration under 37 CFR 1.132 of Richard E. Pekkala, Lawrence H. Rubin, Shaun V. Wandler, and Christopher J. Pettey
- (2) copy of U.S. Patent Application 09/693,405, filed 10/20/2000